

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO. 1229 OF 2024**

Hanifa Taurab Arsiwala

... Petitioner

V/s.

Saifee Burhani Upliftment Trust & Ors.

... Respondents

Mr. Mujahid S. Ansari for Petitioner.Mr. Karl Tamboly a/w. Ms. Fatema Kachwalla, Mr. Ahsan Allana & Ms. Yogini Borade i/b. JSA for Respondent No.1.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.****DATE : 27th February 2025.****P.C. :**

1) At the outset, learned counsel appearing for Respondent No.1 raised a preliminary objection and submitted that, against the impugned Order dated 17th October 2024 passed by the Vice President & Chief Executive Officer, MHADA, Mumbai, a substantive appeal is provided before the State Government, as per Government Resolution dated 16th August 2010. That, without availing the said alternate remedy the Petitioner has directly preferred this Petition under Article 226 of the Constitution of India.

2) Facing with the said difficulty Mr. Ansari, learned Advocate for Petitioner on instructions seeks leave to withdraw Petition with liberty to file

a substantive appeal as per the submission of the learned counsel for Respondent No.1, before the State Government.

Leave and liberty granted.

3) Petition is disposed off as withdrawn with aforesaid liberty.

4) It is made clear that, the Petition is disposed off on the ground of availability of alternate remedy to the Petitioner, as per the preliminary objection raised by the Respondent No.1 and this Court has not adjudicated into the merits involved in the Petition.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

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